

2006 MAY 23 AM 9:18  
DISTRICT COURT SRBA  
TWIN FALLS CO., IDAHO  
FILED \_\_\_\_\_

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) NOTICE OF COURT'S INTENT TO  
) AMEND PARTIAL DECREES TO  
) CORRECT CLERICAL ERROR;  
) I.R.C.P. 60(a)  
)  
) For water rights: 72-10480, 72-10481, and  
) 72-10482  
)

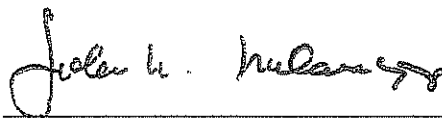
*Partial Decrees* were previously issued for each of the above-captioned water rights. The place of use element in the *Partial Decrees* for each of these water rights refers to an affidavit recorded in the office of the Custer County Recorder on August 8, 2001. It is the understanding of the Court that the place of use for each of these water rights is identical, and is the area authorized for water delivery of the Gini Ditch company.

On April 24, 2006, the Court received correspondence from the Idaho Department of Water Resources stating that the maps depicting the digital boundary for water rights 72-10480 and 72-10482 are incorrect. Attached thereto are maps depicting the correct digital boundary, and CD-ROMS entitled "AMENDED Digital Boundary for Gini Ditch Company Inc." In reviewing the error in each of the *Partial Decrees*, the Court finds the error to be the result of clerical errors.

In accordance with the foregoing, it is the intent of the Court to issue amended partial decrees for water rights 72-10480 and 72-10482 to correct the clerical errors as set forth in the above-referenced correspondence. Additionally, because all three of these water rights have the exact same place of use, the Court intends to issue an amended partial decree for water right 72-10481 for the purpose of avoiding any confusion that may result from having a different form of partial decree. Attached hereto are the proposed amended partial decrees.

Therefore, IT IS ORDERED that a hearing will be held on this matter on **July 18, 2006, at 1:30 p.m. Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho. Any party wishing to object or comment on the Court's proposed action shall do so at that time. Attendance at this hearing by the claimant is not required, as the Court will take the proposed action in the absence of any objection to the contrary. Telephone participation will be available by calling 1-918-583-3445 and entering the code 406128 when prompted.

Dated: May 19, 2006.

A handwritten signature in cursive script, appearing to read "John M. Melanson", written in dark ink.

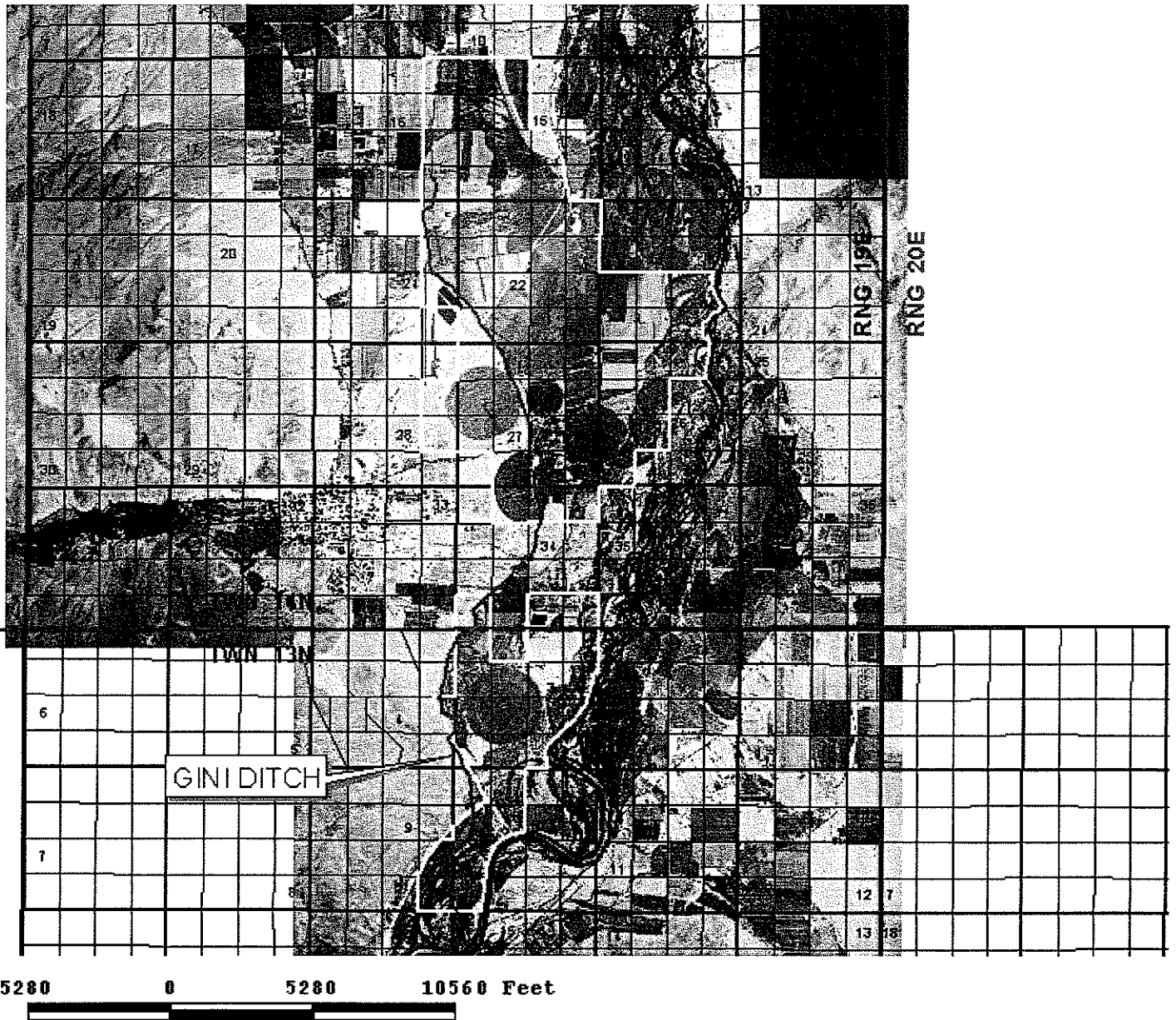
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JOHN M. MELANSON  
Presiding Judge  
Snake River Basin Adjudication

# IDAHO DEPARTMENT OF WATER RESOURCES

## 72-10480, 72-10481, 72-10482

### GINI DITCH BOUNDARY



RECOMMENDED PLACE OF USE BOUNDARY



RECOMMENDED POINT OF DIVERSION



SECTION LINES



QUARTER-QUARTER LINES



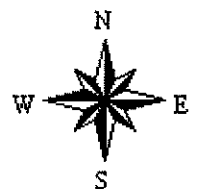
STREAMS & DITCH CHANNELS



TOWNSHIP-RANGE LINES

TWN: 13N & 14N

RNG: 19E



GIS PLACE OF USE PRESENTATION  
USFS AERIAL PHOTOGRAPHY  
BY STEVE CLELLAND

DATE: JULY 17, 2001

\*\*\*REVISED\*\*\*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**AMENDED**

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 72-10482

NAME AND ADDRESS: GINI DITCH COMPANY INC  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 25.30 CFS

PRIORITY DATE: 04/01/1950

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 25.30 CFS |

PLACE OF USE:

Place of use within the boundary of the service area of the  
Gini Ditch Company.

The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

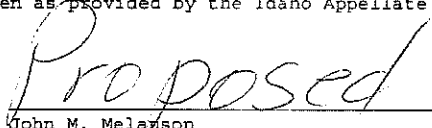
This boundary is also described in the Affidavit Identifying  
Location of Real Property, instrument no. 0223257, filed with the  
Custer County Recorder on August 8, 2001. The service area is  
within T13N and T14N, R19E, Custer County, Idaho. Total  
irrigated acres: 2440 acres.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS  
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY  
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance  
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**AMENDED**

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 72-10480

NAME AND ADDRESS: GINI DITCH COMPANY INC  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 120.00 CFS

PRIORITY DATE: 07/27/1901

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY   |
|-------------------------------|----------------|----------------|------------|
|                               | Irrigation     | 04-01 TO 10-31 | 120.00 CFS |

PLACE OF USE:

Place of use within the boundary of the service area of the  
Gini Ditch Company.

The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
(2)(h)(2003). The data comprising the digital boundary are  
incorporated herein by reference and are stored on a cd-rom disk  
issued in duplicate originals on file with the SRBA District  
Court and the Idaho Department of Water Resources. A map  
depicting the place of use is attached hereto to illustrate the  
place of use described by the digital boundary.

This boundary is also described in the Affidavit Identifying  
Location of Real Property, instrument no. 0223257, filed with the  
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within T13N and T14N, R19E, Custer County, Idaho. Total  
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE  
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with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a  
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final  
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

*Proposed*  
John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

**AMENDED**

In Re SRBA )  
 ) PARTIAL DECREE PURSUANT TO  
 ) I.R.C.P. 54(b) FOR  
Case No. 39576 )  
 )  
 ) Water Right 72-10481

NAME AND ADDRESS: GINI DITCH COMPANY INC  
HOLDEN KIDWELL HAHN & CRAPO  
PO BOX 50130  
IDAHO FALLS, ID 83405

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 67.00 CFS

PRIORITY DATE: 04/15/1938

POINT OF DIVERSION: T13N R19E S16 LOT 6 (SWSWSE) Within Custer County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY  |
|-------------------------------|----------------|----------------|-----------|
|                               | Irrigation     | 04-01 TO 10-31 | 67.00 CFS |

PLACE OF USE: Irrigation Within Custer County  
T13N R19E S16 SWSW

Place of use within the boundary of the service area of the  
Gini Ditch Company.

The boundary encompassing the place of use for this water right  
is described with a digital boundary as defined by I.C. Section  
42-202B(2)(2003) and authorized pursuant to I.C. Section 42-1411  
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NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT  
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*Proposed*

John M. Melanson  
Presiding Judge of the  
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the NOTICE OF COURT'S INTENT TO AMEND PARTIAL DECREES TO CORRECT CLERICAL ERROR; I.R.C.P. 60(A) was mailed on May 22, 2006, with sufficient first-class postage to the following:

GINI DITCH COMPANY INC

Represented by:

KENT W FOSTER

1000 RIVERWALK DR, STE 200

PO BOX 50130

IDAHO FALLS, ID 83405

Phone: 208-523-0620

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

